

To: darrellthomps [Ex. 6 - Personal Privacy]
Cc: Goldmann, Elizabeth[Goldmann.Elizabeth@epa.gov]
Bcc: Moore, Linda[Moore.Linda@epa.gov]; Johnson, Ivry[Johnson.Ivry@epa.gov]
From: Brush, Jason
Sent: Sat 8/29/2015 1:37:03 AM
Subject: Re: Your email to EPA Administrator McCarthy (AX-15-001-2441)

Dear Mr. Thompson:

Thank you for your inquiry to the Administrator regarding the proposed development known as Vigneto in the San Pedro River watershed. EPA Region 9, which has responsibility for Arizona, is pleased to provide this response.

Your email notes concern regarding the groundwater pumping proposed by the development and impacts to the sensitive habitats of the San Pedro River, particularly under conditions of drought and climate change. Your message also urges that EPA intervene with the town of Benson's development plans. While these are understandable concerns regarding the impacts of the proposal, please know that EPA has no legal authority over local governments' land use decisions, or over groundwater use. For the latter, we recommend you contact the Arizona Department of Water Resources and Arizona Department of Environmental Quality, due to their water rights and aquifer protection roles (respectively) under state law.

The U.S. Army Corps of Engineers (Corps) is the federal permitting authority tasked with authorizing discharges of dredged or fill material to waters of the United States pursuant to §404 of the Clean Water Act (CWA). In 2014, The Corps transferred a §404 permit from a project proposed for this site known as Whetstone Ranch to the developers of the Vigneto project. We have contacted the Corps and have been informed they are gathering information about the proposed site development changes that may have been made since the permit was issued to Whetstone in 2006, including those affecting jurisdictional waters, to determine whether the new plan for Vigneto warrants further review under their CWA authorities. EPA Region 9 is awaiting the Corps' decision prior to considering any further CWA action.

Thank you for taking the time to provide us with your thoughts about the proposed project. If you have any further questions about EPA's role in the matter, please contact Elizabeth Goldmann of my staff at 415-972-3398, or goldmann.elizabeth@epa.gov.

Jason A. Brush
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